

# United States Court of Appeals For the First Circuit

No. 16-1293

---

ELAINE BROWN,

Petitioner,

v.

UNITED STATES,

Respondent.

---

Before

Lynch, Stahl and Thompson,  
Circuit Judges.

---

## JUDGMENT

Entered: September 25, 2019

The court's judgment of October 12, 2018, is vacated. Petitioner seeks leave to file a second or successive 28 U.S.C. § 2255 motion featuring a challenge to one or more 18 U.S.C. § 924(c) convictions based on Johnson v. United States, 135 S. Ct. 2551 (2015) (Johnson II), and related precedent. See also United States v. Davis, 139 S. Ct. 2319 (2019). We conclude only that petitioner has made "a sufficient showing of possible merit to warrant a fuller exploration by the district court." Evans-Garcia v. United States, 744 F.3d 235, 237 (1st Cir. 2014). Petitioner's application is granted, and she is hereby authorized to pursue in the district court a challenge to her § 924(c) conviction(s) based on Johnson II and related precedent. The court expresses no opinion as to the merits of petitioner's claim or as to any other relevant legal issue.

The clerk of court will transfer petitioner's application and any amended or supplemental applications filed in this court to the district court for filing as a § 2255 motion. The motion shall be deemed filed in the district court on the date petitioner's original second or successive application was filed in this court. Petitioner's September 9, 2019, motion for relief from judgment is denied as moot.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. George Z. Singal

Daniel Lynch, Clerk, United States District Court for the District of New Hampshire

Judith H. Mizner

Elaine Brown

Bjorn R. Lange

Seth R. Aframe

Daniel John Riley